

Modifications to the Proposed 2008 Zoning Law of the Town of Rhinebeck

June 2009

The following are modifications and corrections, proposed by the Town Board of the Town of Rhinebeck, to the July 14, 2008 Proposed Chapter A136, *The Zoning Law of the Town of Rhinebeck, Dutchess County, New York*. Such modifications and corrections are being considered in response to the public hearings as well as public and agency comment on the proposed Zoning Law:

Section	Proposed Modification
Table of Contents	Add a new subsection DD to Article V entitled "Transfer of Development Rights".
Table of Contents	Change Article VI.D(11) from "Reserved" to "Maximum Floor Area of a Commercial Building"
Table of Contents	Add a new line with a number and reference under Article VI.D to "55. Adaptive Reuse of Historic Structures" and insert the appropriate page number thereafter.
Table of Contents	Change the name of Article VIII from "Traditional Neighborhood Development District" to "Neighborhood Design Principles and Guidelines" and amend the subsection titles and page numbers to correspond with all proposed modifications to Article VIII.
Table of Contents	Replace the reference in Article XIII.C to "TND District" with "Neighborhood Design Principles and Guidelines".
Table of Contents	Delete the reference in Article XIII to "I. XIII.35"
I through XIV	Change the date of all section footers from July 2008 or May 2009 to June 2009.
I.C(8)	Add a comma after the words "water bodies,".
I.C(16)	Delete the word "farming."
I.C(27)	Add the word "the" before " <i>Town Comprehensive Plan</i> ."
I.E	In the first sentence in paragraph two, change the word "with" to "within."
I.F	In the second sentence, change the second "their" to "the".
I.F(1)	In the second sentence, add the words "many of" after the words "explain what".
I.F(3)	Change the first sentence to read as follows "Article V, Section I contains special conservation design requirements and standards that apply to subdivision and other development in the Town."
I.F(4)	Change the subsection to read as follows: "Article VIII contains special form based standards and guidelines that apply to the Planned Conservation Neighborhood Overlay (PCN) District, the Village Gateway (VG) District, the Rhinecliff Hamlet Extension (RH-E) District, the Community Business - South (CB-S) District, and for the Town's Transfer of Development Rights Program. Development within such districts is guided by the form based design standards and guidelines in this Article."
I.F(5)	In the first sentence, add a comma after "Uses" and delete the first "and". In the last sentence, change the word "Senior" to "Active Senior" in reference to "Housing Floating District."

Section	Proposed Modification
I.F(8)	Revise the last sentence to read as follows: “Their purpose is to clarify what is intended, thereby simplifying and speeding the Site Plan approval process.”
II.A	Zoning Maps. Remove the Rhinecliff Hamlet Extension (Rc-HE) District from the Zoning Maps. Re-delineate the Rhinecliff Overlay (Rc-O) District, where the Rc-HE was previously drawn, and redraw the Rc-O boundary to coincide with the existing R1A Zoning District.
II.A	Delete the last sentence in the first paragraph that begins with “The Illustrative Sketch Plan...”
II.A	In the table’s first column, fifth row, change the Map Symbol from “RC6” to “RC5”.
II.A	Delete the table’s eleventh row for the Rc-HE District in its entirety.
II.A	In the table’s first column, fifteenth row, change the Map Symbol from “TND” to “PCN”. In the table’s second row, fifteenth column, change the District Name from “Traditional Neighborhood Development” to “Planned Conservation Neighborhood”.
II.A	In the table’s first row, forty-first column, change the Map Symbol from “SH-F” to “ASH-F”. In the table’s second row, forty-first column, change the District Name from “Senior Housing - Floating” to “Active Senior Housing - Floating”.
II.A	Delete the last two rows in the Table that reference “Specific Area Plans” and “Astor Flats...”
II.A	In the second paragraph, add the following sentences at the end of the paragraph: “The HP20 Zoning District, has been designated as a sending area for the transfer of development rights to lands within the RA10 and RL5 Zoning Districts. The TDR program promotes preservation of historic resources, farmland, viewsheds and other important community resources (see Article V, Section DD for details).”
II.A	In the third paragraph concerning the Rural Agricultural zoning district, add a new sentence at the end of the paragraph as follows: “The RA10 Zoning District, due to its location adjacent to the Village of Rhinebeck, has also been designated as a receiving area for the transfer of development rights from lands within the RA10 District as well as from lands in the HP20 Zoning District. The TDR program promotes preservation of historic resources, farmland, viewsheds and other important community resources (see Article V, Section DD for details).”
II.A	In the fourth paragraph concerning the Rural Countryside zoning district, change all references from “RC6” to “RC5”.
II.A	In the fifth paragraph concerning the Residential Low Density zoning district, delete “for these lands” at the end of the second sentence. After the last sentence, add the following: “The RL5 Zoning District, due to its location close to the Hamlet of Rhinecliff, has also been designated as a receiving area for the transfer of development rights from lands within the HP20 and RA10 Zoning districts. The TDR program promotes preservation of historic resources, farmland, viewsheds and other important community resources (see Article V, Section DD for details).”

Section	Proposed Modification
II.A	In the last sentence of the seventh paragraph concerning the Neighborhood Residential zoning district, change the reference to “Astor Flats TND” to “Community Business - South District on Route 9,”.
II.A	Change the last sentence in the eighth paragraph to the following: “Development in this District shall be guided by the design standards and guidelines found in Article VIII for planned conservation neighborhoods (see PCN below).”
II.A	Delete the ninth paragraph in its entirety and replace it with the following: “ Planned Conservation Neighborhood Overlay (PCN). The purpose of the “Planned Conservation Neighborhood Overlay (PCN)” District is to create a place in the Town for new development that reflects the traditional scale, density and character of the Village of Rhinebeck. The PCN is a largely residential district with the potential for limited small scale neighborhood convenience uses designed to serve principally the PCN district. The PCN District requires that new development be fully integrated as a pedestrian oriented neighborhood with a diversity of housing types provided. The PCN District is intended to provide for compact development while avoiding suburban sprawl, more efficient delivery of infrastructure, while avoiding or reducing environmental degradation and traffic congestion. Density bonuses are available for residential developments that adhere to the standards and guidelines found in Article VIII.”
II.A	Delete the eleventh paragraph for the Rhinecliff Hamlet Extension District in its entirety.
II.A	In the twelfth paragraph, third sentence, substitute “two acres of land” for “one acre of land” and add “and Article VIII for neighborhood design” at the end of the last sentence.
II.A	In the twelfth paragraph concerning the Business Park district, add a new clause at the end of the first sentence as follows: “in a manner which will not be detrimental to the surrounding residential areas.”
II.A	In the thirteenth paragraph concerning the Crossroads - Business district, add a new clause at the end of the first sentence and two new sentences after the first sentence as follows: “and that provide local neighborhoods with needed and desirable convenience goods and services in a manner which will not be detrimental to the surrounding residential areas. The Crossroads - Business district is a major gateway to the rural Town and Village where sensitive design of permitted and specially permitted uses is required. The uses permitted in this zone shall be limited to those which will primarily serve the local neighborhood, are consistent with the purposes for which this district was designed and do not detract from its uniqueness or contributes to a nationwide trend of standardized offerings.”

Section	Proposed Modification
II.A	In the fourteenth paragraph concerning the Community Business - South district, add a new clause at the end of the first sentence and a new sentence after the first sentence as follows: “and that provide local neighborhoods with needed and desirable convenience goods and services in a manner which will not be detrimental to the surrounding residential areas. The uses permitted in this zone shall be limited to those which will primarily serve the local neighborhood, are consistent with the purposes for which this district was designed and do not detract from its uniqueness or contributes to a nationwide trend of standardized offerings and are an appropriate size for the community.”
II.A	In the seventeenth paragraph in reference to the “Community Business - South” district, add a new sentence after the first sentence as follows: “It is also intended to provide for limited infill development, in accordance with <i>Greenway Connections</i> Guide C1: Commercial Strip Redevelopment. Density bonuses are available for infill developments that adhere to the standards and guidelines found in Article VIII.”
II.A	In the twenty-eighth paragraph in reference to the “Civic” district, add a new sentence after the first sentence as follows: “Municipal and municipally sponsored uses may include the potential for affordable housing and other civic uses that enhance the community.” Reword the last sentence as follows: “All civic uses must conform to the Zoning requirements, which include government buildings and other facilities.”
II.A	In the thirty-fourth paragraph, change the name and/or abbreviation of the District from “Senior-Housing - Floating (SH-F)” to “Active Senior Housing - Floating (ASH-F)” wherever it appears.
II.B	Amend the Zoning District maps in accordance with the modifications identified above and with the
II.E(6)	Delete “Article V, Sections H, I, and O, Article VI, Section D(53) and Article VIII of” from the sentence. Add the word “specifically” between the words “otherwise provided”.
III.A	Change the last sentence of the first paragraph after the words “and for uses in the Astor Flats TND” to “and for uses in the designated compact and infill development districts, the form based standards and guidelines set forth in Article VIII.”
III.A	The District Schedule of Use Regulations has a number of modifications or corrections proposed. Readers are advised to review the Schedule to obtain an understanding of such changes.
III.A	In the forth paragraph after the last sentence, add the following: “, and may be subject to the Special Requirements identified in the final column of the District Schedule of Use Regulations”
IV.A	The District Schedule of Area and Bulk Regulations has a number of modifications or corrections proposed. Readers are advised to review the Schedule to obtain an understanding of such changes.
IV.A	In the last sentence of the second paragraph, change the reference from “Sections A(1) through A(9)” to “Sections A(1) through A(10)”.

Section	Proposed Modification
IV.B	Rename the section “B” header “Existing Lots of Record.” Add the subsection number “1” to the first paragraph, add a header of “Existing Non-conforming Lots of Record” to the first paragraph, and renumber subsections “1” through “5” as “a” through “e”. Add a new subsection “2”, add a header of “Existing Lots of Record” to subsection “2”, and add the following text: An "Existing Lot of Record" as that term is defined in Article XIII of this Zoning Law, in the Town's RC-5 district, which consists of less than ten (10) acres, but is at least six (6) acres in area, may be subdivided, on a one-time basis, as follows:”. After paragraph “2” add the following new subsections “a” through “e”: “a. The lot may be subdivided into no more than two (2) lots. b. The minimum lot size for each lot shall be three (3) acres. c. Both lots shall meet the requirements of the Dutchess County Department of Health for installation of a well and septic system. d. The lots shall comply with the bulk requirements as prescribed in the Article IV of this Zoning Law. If a lot cannot comply with one or more of the bulk requirements, approval shall be obtained from the Zoning Board of Appeals for an Area Variance from the requirement(s). e. Applicants shall be required to obtain subdivision approval from the Planning Board, but the Conservation Subdivision provisions and Special Permit requirements of the Zoning Law, as applied to subdivision approval, shall not be required.”
IV.C	In the title of this section, delete the word “Net”.
IV.C	In the first sentence of the first paragraph, change the reference from “maximum net density” to “density requirements”. Add a new second sentence as follows: “In the HP20, RA10, AAH-F, and VG Districts, maximum gross density shall be employed for the purpose of calculating density. In all other districts where residences are permitted, maximum net density shall be employed for the purpose of calculating density.”
IV.C	In the third paragraph, delete the word “net”.
IV.C	After the third paragraph, delete subsection “2” in its entirety and renumber subsection “3” as “subsection “2” and renumber subsection “4” as subsection “3”.
IV.C(4)(a)	In the sentence, delete the word “net”.
IV.C(4)(c)	In the sentence, delete the word “net”.
IV.D(1)	In the first sentence, replace “similar features” with “similar structures”.
IV.F(6)	Replace “Open fire escapes” with “Required exterior fire stairways”.
IV.J(1)(c)	In the sentence, change the reference from “RC6” to “RC5”.
IV.J(2)	In the second sentence, replace the reference to the “TND” district with “PCN”.
IV.J(2)(c)	In the second sentence, change the reference to districts from “RC6” to “RC5”.
IV.M(1)	Add a new sentence before the last sentence in the paragraph as follows: “In determining the need for minimum roadside buffers, the Town agency responsible for review of development proposals should refer such application to the CAC for an advisory opinion.”
V.B(2)	Delete the phrase “are adequate to serve design day needs,”.

Section	Proposed Modification
V.B(5)(d)	Add the following at the end of the sentence: “ or use of alternative measures such as automated parking.”
V.B(6)	In the first sentence, replace the reference to “TND” with “CB-N”. Delete the reference to Rc-HE.
V.B(7)	In the fourth sentence after the reference to “Section Z” add the following parenthetical expression: “(see Schedule A in Section Z for further information) and ”.
V.B(11)	In the first sentence, delete the phrase “except in the Traditional Neighborhood District.” Revise the second sentence as follows: “A driveway for a one-family residence may count as one parking space and a driveway for a two-family residence may count as two parking spaces, other than on a corner lot, where the visibility at intersections is to be safeguarded.”
V.B(12)	Delete the last sentence of the first paragraph.
V.B(21)(a)	Add the words “boat trailer, utility trailer,” after the words “motor or sail boats”. After “hereby prohibited in all districts,” add “except as permitted in Article V, Section S of the Zoning Law and,”
V.C(7)(a)	At the end of the sentence, add the following text: “or the posting of any signs on telephone poles, light poles or similar utility structures, traffic sign posts or any other location in the Right of Way of any street.”
V.C(7)(c)	Reword the second sentence as follows: “Signs on vehicles, which identify a business, contain an advertisement or which display prices, telephone numbers and similar information located on vehicles used in the normal course of a business shall be screened and buffered to surrounding properties and public viewing locations when the vehicles are parked on the property. Such vehicles shall be parked to the rear of the business where such location is available.”
V.C(13)(b)	Add a new subparagraph “vi” as follows: “vi. Backlit signs. The background surface of a backlit sign, that the light shines on, shall have a light reflective value of no greater than 60 percent. The light source can be white or a color, but colored lighting creates a more subdued effect and is encouraged.”
V.C(15)(a)	In all instances where the “duly appointed deputy officer” is used, change to “duly appointed Deputy Zoning Enforcement Officer”.
V.C(15)(b)	Replace the reference to “Zoning Administrator or any duly appointed deputy administrator” with “Zoning Enforcement Officer or any duly appointed Deputy Zoning Enforcement Officer”.
V.C(15)	Add a new subsection “c” as follows: “c. The Zoning Enforcement Officer or any duly appointed Deputy Zoning Enforcement Officer can remove any non-complying portable roadside sign.”
V.D	Add a new subsection “6” as follows: “6. A berm shall be deemed to be a fence, gate or wall within the meaning of this section if the berm is constructed and landscaped to provide a property boundary delineation or protection or privacy to a property owner and has not received Planning Board approval.”
V.E	At the end of the last sentence after the word “management”, add “and Article VI(D)(40).”

Section	Proposed Modification
V.H(3)	Add the following new text at the beginning of the first sentence: “Except as provided below in subsection V(H)(3)(a),”
V.H(3)	Add a new subsection (a) to read as follows: “Adaptive reuse increase. Adaptive reuse of an existing historic structure, farm structure or other important structures that add to the rural and historic character of the community, may be increased for a home occupation that will preserve and enhance the architectural or historic integrity of the building and the district in which it is located. Such adaptive reuse shall be entitled to occupy no more than 1,500 square feet of gross floor area of the dwelling on the premises. In the case of a Class 2 home occupation operated entirely within an existing historic structure, farm structure or other important structure that add to the rural and historic character of the community and used as an accessory structure, such home occupation shall not occupy more than fifty percent (50 %) of the total floor area of the dwelling and accessory structure used in the home occupation. The Planning Board shall make a determination based on reference to the architectural, scenic and historic character of the district as set forth in the Comprehensive Plan and Article II, Section A of the Zoning Law as well as on an objective evaluation of the project and the current architectural, scenic and historic resources in the district. The determination to permit occupancy of no more than 1,500 square feet or 50 percent of the total floor area of the dwelling and accessory structure, in the adaptive reuse of an existing historic structure, is not considered a use variance or area variance and is not subject to appeal to the Zoning Board of Appeals.”
V.H(7)	Add a new second sentence as follows: “In the case of an adaptive reuse of an historic structure, not more than four (4) persons, other than members of the household occupying such dwelling, shall be employed on the residential premises in the conduct of the home occupation.”
V.I(4)(a)	Delete the reference to Rc-HE in the last sentence.
V.I(6)(a)	Revise the first sentence so that it reads as follows: “A Yield Subdivision Plan shall be prepared as a conceptual sketch plan, in accordance with the density and other development standards for the applicable Zoning District(s) from the District Schedule of Area and Bulk Regulations and other requirements of Article IV of the Zoning Law.
V.I(7)(a)	In the third sentence, change the word “may” to “shall” after “Planning Board”.
V.I(8)(a)	In the table, replace the reference to “RC6” with “RC5”.
V.I(8)(f)	In the second sentence, delete the reference to “TND”.
V.M(4)(a)	Revise the first sentence to read as follows: “Building Permits. Building Permits are required.” Delete the remainder of the text in subsection (a).
V.M(4)(g)	In the second sentence, delete the reference to “TND” district. In the last sentence, delete the parenthetical expression “(except in the TND zone)”
V.M(4)(h)	In the paragraph, delete the two references to “TND”.
V.O	In the first paragraph, delete the reference to “TND”. At the end of the first sentence, add the following: “, provided such farm operations employ “Best Management Practices” and “Sound Agricultural Practices.”

Section	Proposed Modification
V.O(7)(c)	Add the following text to the first sentence after the words “greater than 15,000 square feet” “or which exceed 80 feet in height”.
V.T(1)	After the last sentence in the paragraph, add two new sentences as follows: “In addition to the requirements of this Section, the Town of Rhinebeck also regulates wetlands under the Town’s Freshwater Wetlands Law. Applicants are advised to consult the Town Freshwater Wetlands Law to determine whether such regulations apply to water resources on their property.”
V.T(2)	In the first paragraph, add the following sentence after the fourth sentence: “The Town of Rhinebeck’s Significant Habitat report (prepared by Hudsonia Ltd., dated July 2007) mapped ecologically significant habitats in the Town, which included water resources consisting of wetland habitats and Hudson River habitats. Such mapping shall also be consulted in determining the boundaries of water resources.”
V.T(3)	At the end of the first paragraph, add the following new sentence: “Intermittent streams are ephemeral waterways that serve as conduits for surface water part of the time, usually after rainstorms, during wet weather, or during particularly wet and rainy times of the year. While the WR-O District map has attempted to map all intermittent streams in the Town, field identification may be necessary during the review of applications subject to Planning Board approval.”
V.T(6)	In the parenthetical reference at the end of the sentence, insert the number “3” and delete the underscore “___” and replace “2008” with “2009”.
V.U(5)(b)(ii)	Replace the second and third sentences with the following: “The preferred exterior finish materials on all facades are wood siding, and/or earth-based materials such as brick, stone, cement reinforced clapboard siding and/or stucco. Vinyl, plastic and metal siding are acceptable but discouraged.”
V.U(5)(b)(v)	Revise the second sentence so that it reads as follows: “Trees installed to meet the requirements of this subsection shall be a minimum of three inches (3”) in diameter at breast height if deciduous, eight feet (8’) tall if coniferous, when planted, and shall be planted before a certificate of occupancy is issued for the principal structure, or if that is not possible due to planting season or weather conditions, then within one month of the planting season for the species.”
V.U(5)(b)(vi)(a)	At the end of the second sentence after Officer add “after referral to the CAC for an advisory opinion.”
V.V(6)(e)	At the end of the second sentence, add the following after the word “lumens”: “, both of which would be exempt from the shielding requirements.”
V.V(6)(n)	In the first paragraph, delete the reference to “ TND and”.
V.W(2)	In the parenthetical reference at the end of the sentence, insert the letter “G” and delete the underscore “___”.
V.W(5)	In the second sentence, change the word “between” to “within”.
V.W(5)(c)	Add the terms “and porous pavement.” after the word “grass” in the second sentence.
V.W(5)(d)	Reword the subsection as follows: “Divide the rows of parking with planting strips and trees, averaging a tree every six (6) spaces. Planting strips should be a minimum of ten (10) feet in width.”

Section	Proposed Modification
V.W(8)(d)	Replace the reference to “minimum caliper of three inches (3”)” with “minimum caliper of two and one-half inches (2 ½”)” in the sentence.
V.W(8)(d)	Add the phrase “native to the Rhinebeck area and appropriate to the site conditions” after the first occurrence of the word “species” and before “with broad canopies”.
V.W(8)(e)	Replace the reference to “40 percent” with “30 percent”.
V.W(8)(e)	Before the last sentence beginning with “Good choices”, add a new sentence as follows: “The Town CAC should review the list of recommended street trees periodically and make adjustments as needed.”
V.W(8)(f)	In the first sentence, delete the words “and fertilized”. Repword the second sentence as follows: “Any tree that dies within three years of planting, or any tree that is removed shall be replaced with a tree of equal value, to be determined by the CAC.”
V.X(2)(g)	Add “jake brakes,” after “pile drivers,”.
V.X(3)(e)	Delete “or a public right of way,” from the sentence and add the word “or” after the second reference to “property”.
V.X(3)(f)	Delete “or a public right of way,” from the sentence and add the word “or” after the second reference to “property”.
V.X(3)(i)	In the second sentence, replace the reference to “sixty-five (65) dBA” with “sixty (60) dBA.”
V.X(4)(b)	At the end of the sentence, add the words: “including the use of emergency response vehicles.”
V.Y(2)(e)	In the first sentence, change “Wildlife of conservation concern” with “Presence of Wildlife of Greatest Conservation Need, as defined by the State of New York”.
V.Z	In this section, add a number of additional Stormwater Management Practices and revise references to be consistent with Article V, Section B(7) recommendations as well as New York State stormwater management guidance documents.
V.Z(5)	Replace the paragraph with the following: “No application for approval of a land development activity shall be deemed complete until the Planning Board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the current New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities.
V.Z(5)(a)	Replace the sentence with the following: “All SWPPPs shall provide the information required by the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities.”
V.Z(5)(a)(i)-(xvi)	Delete the subsections.
V.Z(8)(c)	In the second sentence, add the words “in person” after “ZEO” and before “at least”.

Section	Proposed Modification
V.AA(6)(a)	Revise the section so that it reads as follows: “Every applicant who files a building permit application for construction of a new commercial building, office building, multiple residence or senior citizen multiple residence shall provide a completed LEED-NC checklist, the local variant of a Green Building Project Checklist acceptable to the Town Planning Board or its designee, Energy Star qualification, 50 Points on the GreenPoint Rated system by BuildItGreen, or an energy and environmental design standard deemed equivalent by the Planning Board.”
V.AA(6)(b)	Revise the section so that it reads as follows: “Every applicant who files a building permit application for construction of a new home shall provide a completed LEED-Home checklist, the local variant of a Green Building Project Checklist acceptable to the Town Planning Board or its designee, Energy Star qualification, 50 Points on the GreenPoint Rated system by BuildItGreen, or an energy and environmental design standard deemed equivalent by the Planning Board.”
V.BB(1)(f)(iv)	Revise the sentence to read as follows: “Providing a means for owners of historic buildings to find economically viable ways to preserve such buildings by allowing for their adaptive reuse in accordance with the provisions of Article V, Section BB(7) of the Zoning Law.”
V.BB(7)	Renumber subsections “(7) Enforcement” as “(8)”, “(8) Violations and penalties” as “(9)”, and “(9) Taking of emergency action” as “(10).”
V.BB(7)	Add a subsection “(7)” for “Adaptive Reuse of Historic Structures” as provided in Attachment “C” to this document.
V.CC(2)(a)(ii)	In the first sentence, replace the reference to “eighty (80%)” with “sixty (60%)”.
V.CC(2)(e)	Replace the words “the regional area” with “Dutchess County”.
V.CC(4)(a)	In the first sentence, replace the reference to “Twenty (20%) percent” with Ten (10%) percent”. Reword the parenthetical expression as follows: “For example, 10% of a 12 unit Subdivision equals 1.2 which is rounded down to 1 unit and 10% of a 16 unit development equals 1.6 which is rounded up to 2 units.)”.
V.CC(4)(b)	Reword the sentence to read as follows: “Applicants for such developments or subdivisions in the VG, PCN or Active Senior Housing Floating Districts shall meet their affordable housing requirements only by construction of the affordable housing units within the development or Subdivision.”
V.CC(4)(e)(i)	Replace the reference to “twenty (20%)” with “ten (10%)”.
V.CC(5)	In the header for this section, replace the reference to “New Developments” with “New Residential Developments”.
V.CC(5)	Delete subsections “a” and “b”. Renumber subsection “c” as subsection “a”. Reword the first sentence of the renumbered subsection “a” as follows: “For new residential developments and subdivisions of four (4) or fewer units or lots, the Town Board shall establish an Affordable Housing Fee by local law utilizing a graduated fee schedule with due consideration of the recommendations set forth in the OSAHIP.”
V.CC(6)	In the header for this section, replace the reference to “TND” with “PCN”.

Section	Proposed Modification
V.CC(6)(a)	Reword the first sentence as follows: "All developments within the PCN District shall provide inclusionary affordable housing dwelling units equal to no less than ten (10%) percent of the total lots or dwelling units in the PCN Development Proposal."
V.CC(6)(b)	Delete the phrase "the proposed TND development or at another location within" from the paragraph.
V.CC(6)(c)	In all instances where the term "shall" is used in this subsection [including subsections (i) through (iii)], replace it with the term "should".
V.CC(6)(d)	Reword this section as follows: "The Town Board shall determine the affordability for applicable households in a PCN by local law with due consideration of the recommendations set forth in the OSAHIP."
V.CC(6)(f)	Replace the second reference to Article "VIII" with Article "V".
V.CC(7)	Rename the header as the "Village Gateway and Active Senior Housing Floating Districts."
V.CC(7)(a)	Reword the sentence as follows: "All subdivisions and developments within the VG and Active Senior Housing Floating Districts shall provide affordable housing units on site equal to ten (10%) percent of the project's total lots or units."
V.CC(7)(b)	Replace the reference in the sentence to "Senior" with "Active Senior".
V.CC(7)(c)	Replace the reference to "Senior Citizen or Elderly" with "Active Senior".
V.CC(10)(c)	Delete the word "and" following the reference to "persons employed in the Town of Rhinebeck". After "three (3) years" add the following: "and then residents of Dutchess County and all other income eligible households."
V	Add a new subsection "DD" to Article V entitled "Density Transfer (Transfer of Development Rights)" as provided in Attachment D to this document.
VI	Change all references throughout this section from "RC6" District to "RC5" District. Delete all references throughout this section to "Rc-HE" District.
VI.A	Re-number "A. Additional Specific Standards for Certain Uses." On page VI.8 as "D. Additional Specific Standards for Certain Uses."
VI.B(1)	Re-number subparagraph "e" as "f" and add a new subparagraph "e" as follows: "Certification by the applicant, in writing and on forms provided by the Town of Rhinebeck, that the information provided is 'true and accurate to the best of my knowledge.'"
VI.B(2)	Revise the fourth sentence as follows: "The Board shall additionally provide for notification as follows."
VI.B(2)	Revise the last sentence in the paragraph as follows: "All notices and mailings shall be the responsibility of the applicant, shall be paid for by the applicant, shall be sent and confirmed by the applicant using Certified Mail, Registered Mail, Delivery Confirmation, Signature Confirmation, or Certificate of Mailing, and shall be certified to the Planning Board that compliance has timely occurred. Such notices and mailings shall be as follows:"

Section	Proposed Modification
VI.B(2)(b)	Reword the sentence as follows: “Posting. Notice shall be posted at least five (5) days prior to the date of the hearing as follows: i) On the bulletin board of the Town Hall; ii) On the Town of Rhinebeck website; iii) On a conspicuous sign posted along the road frontage of the parcel subject to Special Use Permit proceeding in a manner as specified by the Planning Board.”
VI.B(2)(c) and (d)	Delete the reference to “the Secretary of the Planning Board to provide” in the first sentence of both subparagraphs.
VI.B(2)(c)	Delete the second sentence in the paragraph.
VI.B(2)(d)	Reword the sentence as follows: “By providing notice of the public hearing and data regarding the substance and location of the Special Use Permit application to all Involved Agencies under SEQR at least ten (10) calendar days prior to the hearing.”
VI.B(2)(f)	Replace the reference to “Secretary of the Planning Board” with “applicant”.
VI.D	On page VI.8 after the first sentence, add a new sentence to read as follows: “Some Permitted Uses are also subject to specific requirements stated herein, as identified in Article III on the District Schedule of Use Regulations, but shall not be required to obtain a Special Use Permit.”
VI.D(1)(b)	Reword the first sentence as follows: “The two-family dwelling (by new construction) shall be considered a permitted use in all residential districts except the Rhinecliff Hamlet (Rc-H) district where it requires authorization by Special Use Permit.”
VI.D(2)(a)	After the first sentence, add a new sentence to read as follows: “See the Conservation Subdivision regulations in Article V, Section I for special requirements in the HP20, RA10, and RL5 Zoning districts.”
VI.D(2)(e)	Replace the reference to “RC6” with “RC5”. Replace the reference to “first six (6) acres” with “first five (5) acres”. Replace the reference to “three (3) acres” with two and one-half (2½) acres”.
VI.D(2)	Add a new subsection “g” to read as follows: “All applicable requirements of the New York State Uniform Fire prevention and Building Code and the New York State Multiple Residence Law shall be strictly met.”
VI.D(3)(c)(iii)	Replace the reference to “RC6” with “RC5”. Replace the reference to “first six (6) acres” with “first five (5) acres”. Replace the reference to “three (3) acres” with two and one-half (2½) acres”.
VI.D(3)(c)(vii)	Delete this subsection.
VI.D(3)(h)	Reword this subsection to read as follows: “All applicable requirements of the New York State Uniform Fire prevention and Building Code and the New York State Multiple Residence Law shall be strictly met.”

Section	Proposed Modification
VI.D(4)(a)	Revise the sentence to read as follows: “The owner(s) of the one-family residence in which the accessory apartment is to be located shall occupy at least one (1) of such units on the premises. Should the owner have a place of residence other than the premises for a period of more than six (6) months, the special use permit shall become null and void, and the premises shall revert to its original permitted use which existed immediately prior to the issuance of the permit. Accessory apartments shall be clearly incidental and subordinate to the principal structure and shall not change the single-family residential character of the neighborhood.”
VI.D(5)(g)	Reword the last sentence as follows: “For example, in the RC5 District, a lot containing a total of three dwelling units (i.e. one principal dwelling and two accessory dwellings) would require seven and one-half (7.5) acres (net density) and a total of four dwelling units would require ten (10) acres (net density).”
VI.D(5)(l)	In the first sentence, change the word “should” to “shall”.
VI.D(6)	Subsections “c” through “g” are to be indented and renumbered “i” through “v” and subsections “h” and “i” are to be renumbered “c” and “d”.
VI.D(6)(b)(ii)	Reword the sentence as follows: “The principal dwelling is located on a single lot with a lot area of not less than ten (10) acres if situated in the HP20 District, five (5) acres if situated in the RA10 District, two and one-half (2 ½) acres if situated in the RC5 District, two and one-half (2 ½) acres if situated in the RL5 District, and not less than one (1) acre if situated in the RM1 District.”
VI.D(6)(d)(vi)	Change “thte” to “the”.
VI.D(10)(b)	Remove the phrase “Except for the TND District,” from the beginning of the sentence.
VI.D(11)	Change the header “Reserved” to “Maximum floor area of a non-residential building.”
VI.D(11)	Add a new subsection “a.” to read as follows: “The maximum interior floor area of an establishment shall be 8,000 square feet.”
VI.D(13)(a)	Revise the first sentence to read as follows: “Except for the RM1 District, the maximum density for a nursery school or day-care facility shall be the same as the maximum density required per dwelling unit for the applicable Zoning district.”
VI.D(14)(e)(i)	Reword this subsection to read as follows: “Minimum lot area shall be fifty (50) acres.”
VI.D(14)(f)(ii)(g)(i)	Revise the sentence to read as follows: “All on-site streets, roadways, driveways and parking areas are to be constructed according to the Town’s design standards.”
VI.D(17)	Replace the reference to “RC6” with “RC5” in the header.
VI.D(17)(a)	Delete the second sentence.
VI.D(17)(b)	Add a new sentence after the last sentence as follows: “The Planning Board may waive the 900 foot requirement for existing rod and gun clubs, with due consideration to buffering available to surrounding residential uses, the noise generated at such club and the degree to which noise impacts have been mitigated in order to protect the public health, safety and welfare.”

Section	Proposed Modification
VI.D(17)(c)	Replace the paragraph with the following: “Rod and gun clubs shall implement the United States Environmental Protection Agency’s <i>Best Management Practices for Lead at Outdoor Shooting Ranges</i> , using the most recent version of such <i>Manual</i> , shall prepare and submit an “Environmental Stewardship Plan” as recommended in the <i>Manual</i> , and shall provide a copy of the EPA’s “Certificate of Recognition” demonstrating that the Club has prepared and implemented the “Environmental Stewardship Plan.”
VI.D(17)(f)	Add the following sentence after the last sentence: “The Planning Board may waive the 900 foot requirement for existing rod and gun clubs, with due consideration to buffering available to surrounding residential uses, the noise generated at such club and the degree to which noise impacts have been mitigated in order to protect the public health, safety and welfare.”
VI.D(17)(g)	In the first sentence, change the words “or prior to 12:00 PM or after 6:00 PM” to “and from 12:00 PM to 6:00 PM”. Add a new sentence after the last sentence as follows: “Restrictions on the hours of operation shall not apply during New York State open seasons on wildlife species taken by gun.”
VI.D(17)(h)	Add a new clause before the first sentence as follows: “To protect the health, safety and welfare of the community,”
VI.D(20)	Remove the phrase “, in the TND District” from the title.
VI.D(20)(d)	Reword the sentence as follows: “Building material supply and sales, including lumberyard, shall comply with Article VIII, Section D(4) of this Zoning Law for the CB-S District.”
VI.D(22)(a)	Add a new sentence at the end of the paragraph as follows: “Small scale conference facilities are also permitted, subject to the requirements herein under Subsection VI.D(22)(h) below.”
VI.D(22)(f)	At the end of the second sentence add the following: “Applicants proposing adaptive reuse and/or rehabilitation of structures listed on the National Register of Historic Places may be eligible for up to a ten (10) percent bonus in the number of guest rooms, provided such adaptive reuse and/or rehabilitation complies with the <i>Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings</i> .”
VI.D(22)(g)	At the end of the second sentence, add the following: “and will be in harmony with the rural, historic and scenic character of the district in which it is located”

Section	Proposed Modification
VI.D(22)(h)	<p>Add a new subsection “(h)” as follows: “Where the Planning Board finds that small-scale conference centers are appropriate in the HP20 and RA10 Districts for the preservation of historic buildings, as defined in Article XIII, the following specific standards shall be complied with:</p> <p>i. The minimum lot area shall be 40 acres. ii. No more than 75 day use attendees shall be permitted. iii. No more than six (6) accommodations shall be provided for overnight guests. iv. Access shall be from a State or County highway. v. Specific plans for outdoor events including outdoor lighting shall be submitted to and approved by the Planning Board, including the specific hours of operation for such facilities. Approval shall be preceded by a clear demonstration by the facility owner and/or operator that the features are both essential and will create no adverse effect on neighboring residential properties, and will be in compliance with the Town of Rhinebeck Noise Regulations. The specific plans for parking, public address systems, amplified music, and/or outdoor lighting shall be subject to such additional restrictions deemed appropriate by the Planning Board to minimize the potential noisome intrusions to neighboring properties. vi. Specific plans for parking shall take into consideration the historic, rural and scenic resources of the site and community. Use of alternative paving materials and alternative transportation, such as grassed parking areas and shuttle services, is encouraged to protect such resources.”</p>
VI.D(24)	Delete from the header “in the TND District”.
VI.D(24)(a)	Revise the sentence as follows: “Food and grocery stores shall comply with Article VIII of this Zoning Law.”
VI.D(26)(c)(iii)	At the end of the sentence, add the following: “for the provision of guests”.
VI.D(26)	Add a new subparagraph “g” as follows: “In the Gateway North (Gw-N) District, the setback from Route 9G shall be 200 feet.”
VI.D(30)(b)	Change the reference from “Article VI, Section G” to “Article VI, Section F.”
VI.D(32)(b)	Add a second sentence as follows: “Extractive operations and soil mining shall be restricted to the area identified within the Mining Overlay District on the Town of Rhinebeck Zoning Map.”
VI.D(37)	Change all references in Subsection “37” from “Senior citizen or elderly housing developments” to “Active Senior housing developments”. Change all references to “Senior Housing-Floating (SH-F) Districts” with “Active Senior Housing-Floating (ASH-F) Districts”. Change all references to “SH-F” with “ASH-F”.
VI.D(37)(a)(i)	Reword the sentence as follows: “Senior citizen or elderly housing developments within Active Senior Housing Floating Districts are limited to establishment in the Rural Agricultural (RA10), Rural Countryside (RC5), and Village Gateway (VG) Zoning districts.”
VI.D(37)(c)	Reword the sentence as follows: “The development area required shall be a minimum of forty (40) contiguous acres within the RA10 District, thirty (30) contiguous acres within the RC5 District, and twenty (20) contiguous acres within the VG District.”

Section	Proposed Modification
VI.D(37)(e)	Reword the first sentence and add a new second sentence as follows: “The maximum number of dwelling units shall not exceed a gross density of three (3) dwelling units per acre in the RA10 District, four (4) dwelling units per acre in the RC5 District and six (6) dwelling units per acre in the VG Zoning District.”
VI.D(37)(f)	Revise the second sentence as follows: “A minimum of ten percent (10%) of the total number of development units shall be provided on-site within the Active Senior housing development and permanently dedicated as affordable housing units, as defined and regulated under the Town of Rhinebeck Affordable Housing program found in Article V, Section CC of the Zoning Law.”
VI.D(38)(a)	At the end of the sentence, add the following: “, such recreational facilities limited to guests of the country inn”
VI.D(39)	Reword the header for this subsection as “Country Inn 2, provided:”
VI.D(39)(a)	Revise the subsection as follows: “A Country Inn 2 provides commercial hospitality lodgings in spacious settings that are principally intended for vacationing, relaxation, and conference activities. Permitted are lodging accommodations such as hotels and guest, golf or family cottages or lodges with commonly incidental recreation oriented uses including spa facilities, horseback riding facilities, and hiking, swimming, tennis and other similar outdoor activities. The provision of hiking trails, that provide opportunities for public use, shall be incorporated into the overall plan for the Country Inn 2 to the greatest extent practicable. Extended vacation and recreation-oriented use, membership club(s) and lodging programs shall be allowed, but in no event shall a lodging unit be used as a primary residence.”
VI.D(39)(b)	Replace the words “the principal hotel building” with “a Country Inn 2”. Replace the word “lodgings” with “lodging units”.
VI.D(39)(c)	In the first sentence, add the words “club houses and” after “retreat buildings,” and before “athletic related”.
VI.D(39)(d)	In the first and second sentences, replace the words “rooms, suites, and/or guest cottages” with “lodging units”. In the first sentence, delete the phrase “of rooms, suites, and/or guest cottages in a Country Inn 2, whether in a hotel building or other lodgings”.

Section	Proposed Modification
VI.D(39)(f)	After the sentence, add the following: “When an applicant proposes a Country Inn 2 development on a parcel or combined parcels of land in excess of 250 acres, the applicant shall retain the right to develop that portion of the property in excess of 250 acres which is not dedicated to, or used in conjunction with, the Country Inn 2 development, for other uses permitted, or specially permitted in the Zoning Law provided: i) the additional development is not incompatible with the Country Inn 2 development; ii) the provisions of this Zoning Law, including but not limited to the District Schedule of Use Regulations, the District Schedule of Area and Bulk Regulations, supplementary regulations, Special Use Permit requirements and Site Plan requirements that are applicable to the proposed additional use and development are adhered to; and iii) the requirements of the Subdivision Regulations, to the extent that they are applicable to the proposed additional development, are complied with.”
VI.D(39)(m)(iii)	In the third sentence change the word “natuiral” to “natural”. After the third sentence, add the following: “An open space plan shall be provided and approved by the Planning Board that demonstrates how such natural areas will be preserved by conservation easement held by a local land trust.”
VI.D(40)(a)	Revise the last sentence to read as follows: “This Subsection applies equally to excavation and/or tree clearing where no development approvals (such as Subdivision, Site Plan and Special Use Permit) are sought by a landowner and as part of site preparation for land development activities (see Article V, Section E) for which a Subdivision, Site Plan or Special Use Permit approval has been granted by the Planning Board or for which a valid Building Permit has been issued by the Town Code Enforcement Officer.”
VI.D(44)(d)	At the end of the sentence after the word “district” add the following: “and shall not be located within 2,000 feet of another fast food establishment”.
VI.D(44)(g)	Reword the sentence as follows: “The establishment shall not provide a drive-through window or drive-in service due to high volumes of traffic and potential for vehicle back-up on highways as well as vehicle idling, air quality and respiratory health concerns, greenhouse gas emissions, waste of fossil fuels and noise;”
VI.D(49)(a)(ii)	Replace the reference to “church or other place of religious worship” with “house of Worship”.
VI.D(51)(f)	In the second sentence, replace the reference to “RM District” with “RM1 District”.
VI.D	Add a new subsection “55” as follows: “55. Adaptive Reuse of Historic Buildings. See Article V, Section BB(7) of the Zoning Law for the provisions governing Adaptive Reuse of existing historic buildings.”
VI.D	Add a new subsection “56” as follows: “56. Density Transfer. See Article V, Section DD of the Zoning Law for the provisions governing Density Transfer (Transfer of Development Rights or TDR).”
VI.E(1)	In the second paragraph, second sentence, correct the reference from “REvitalization” to “Revitalization”.
VI.E(5)(a)(i)(c)	Reword the last sentence and add a new last sentence as follows: “Vinyl siding is acceptable but discouraged. Plastic and metal siding is prohibited.”

Section	Proposed Modification
VI.F(3)(e)(ii)	Reword the sentence as follows: “Maximum sign area shall not exceed eight (8) square feet of total sign area.”
VII.E	Revise the first sentence in the third paragraph and add the following sentences after the first sentence in the third paragraph: “Within three (3) calendar months of the sketch plan conference, a complete application for Site Plan approval shall be made and shall be accompanied by not less than twelve (12) paper prints (or as many additional prints as may be required for circulation purposes under SEQR) of the proposed Site Plan drawings, site assessment data, related technical reports and environmental impact assessment documents and, unless impracticable, one electronic file of the proposed Site Plan drawings, site assessment data, related technical reports and environmental impact assessment documents, in a form usable by the Town Engineer and Town Planner and for posting on the Town of Rhinebeck website. The Planning Board may reduce the number of paper copies of such documents upon satisfaction of the electronic filing.”
VII.E(2)(c)(ii)	Revise the first sentence to read as follows: “A cultural resource assessment, funded by the applicant, if the land lies within or contiguous to the Hudson River National Historic Landmark District, the Town of Rhinebeck National Register of Historic Places Multiple Resource District, any building, structure or site listed individually on the State or National Register of Historic Places or identified by the Town of Rhinebeck as an historic building, structure or site, is in an area identified as an archaeologically sensitive area by the State of New York on the New York State Site Inventory or by the Town Historian or other Town Official charged with cultural resource responsibilities.”
VII.G(4)	Replace the header with a new header entitled “Public Hearing and Notice”. Replace the entire paragraph with the public hearing and notice procedures for Special Use Permits found in Article VI.B(2) of the Zoning Law, substituting the words “Site Plan” for “Special Permit” or “Special Use Permit” wherever they appear.
VIII	Article VIII has been replaced with a new Article VIII. Readers are advised to consult the July 2008 version together with the June 2009 version to obtain a complete understanding of the changes made.
IX.A	After the second sentence in the last paragraph, add a new sentence as follows: “Any replacement manufactured home that has a gross floor area exceeding by twenty percent (20%) the gross floor area of the replaced mobile home or manufactured home, shall require the issuance of an Area Variance.”

Section	Proposed Modification
IX.B	<p>Add a new subparagraph “1” and “2” as follows: “1. A nonconforming business or commercial use may be expanded within an existing structure or on an existing site, provided that the extent of such expansion, whether occurring as a single expansion, or as the aggregate of two or more smaller expansions, does not exceed fifty percent (50%) of the gross floor area of the structure or of the site dedicated to the non-conforming use at the time of enactment of this Zoning Law. Any such expansion shall, however, require Special Permit and site plan review and approval by the Planning Board in accordance with Articles VI and VII of this Zoning Law. In acting on such Special Permit and site plan review, the Planning Board, shall to the extent practicable, apply the current supplemental regulations which apply to such use, and also any current design standards which apply to such use. 2. An existing building or structure, housing a nonconforming business or commercial use, may be extended and thereafter occupied by the nonconforming use, provided that the extent of such addition, whether occurring as a single addition, or as the aggregate of two or more smaller additions, does not exceed fifty percent (50%) of the gross floor area of the existing building or structure and the addition is in strict compliance with the requirements set forth for the zoning district in Article IV of this Zoning Law. Any such extension shall require Special Permit and site plan review and approval by the Planning Board in accordance with Articles VI and VII. In acting on such Special Permit and site plan review, the Planning Board, shall to the extent practicable, apply the current supplemental regulations which apply to such use, and also any current design standards which apply to such use.</p>
X.E(1)	<p>In the second sentence of the first paragraph, add the phrase “or cause to commence” after the words “No person shall commence”.</p>
X.E(9)	<p>After the second sentence, add a new sentence as follows: “For good cause, the Code Enforcement Officer may allow up to two (2) extensions for periods not to exceed six (6) calendar months each.”</p>
X.L(1)	<p>In the first sentence after the words “When the ZEO,” add “and/or Code Enforcement Officer”.</p>
X.O	<p>After the first sentence in the first paragraph, add a new sentence as follows: “All such complaints shall be submitted to the ZEO or Code Enforcement Officer in writing.”</p>
XI.C(5)	<p>Add a new sentence at the end of the paragraph as follows: “The application or appeal for a variance shall be referred prior to the public hearing to the Planning Board for its review and recommendations. No action shall be taken by the Board of Appeals until an advisory recommendation has been received from said Planning Board or thirty (30) calendar days have elapsed since the Planning Board received such application or appeal for a variance.”</p>

Section	Proposed Modification
XI.C(6)	After the last sentence in the paragraph, add a new sentence as follows: “A copy of each decision should also be forwarded by the Town Clerk to the Town Assessor’s Office to be included in the file for the subject property, but failure to forward the decision to the Assessor shall not, in any event, affect the validity of the Zoning Board of Appeals’ decision.”
XIII	At the end of the first paragraph, add a new sentence as follows: “The same would apply to terms used in the Town Freshwater Wetlands and other Laws or State laws such as Agriculture and Markets Law, Environmental Conservation Law, and their implementing regulations.”
XIII.A	In the last sentence of paragraph 8 of the definition for ALTERNATE CARE HOUSING FACILITY, add the following: “Section 41.34 of the New York State Mental Hygiene Law.”
XIII.A	Add a new definition for “BIODIVERSITY” as follows: “Biodiversity describes the variety of life and its processes. The term refers to all the variation in nature, including ecosystems, biological communities, species and their genes. It also refers to the interactions of organisms with each other, and with the non-biological components of their environments such as soil, water, air and sunlight. Habitats with a high species richness (i.e. number of species) and habitats with low species richness may be equally important to overall biodiversity.”
XIII.A	At the end of the definition for “BUFFER” add the following new sentences: “Buffers may also apply to protected wetland areas. See the Town of Rhinebeck Freshwater Wetlands Law for the definition of ‘ASSOCIATED BUFFER’”.
XIII.A	Reword the second sentence in the definition of “BUILDING, PRINCIPAL” as follows: “In any residential district, any dwelling, except for an accessory dwelling unit as permitted by this Zoning Law, shall be deemed the principal building on the lot on which it is situated.”
XIII.A	Add a new sentence after the first sentence in the definition for “BUILDING LINE, FRONT” as follows: “The front yard setback begins where the minimum lot width is achieved.”
XIII.A	Add a new sentence after the first sentence in the definition for “CAMP” as follows: “Camps shall provide 10,000 square feet of lot area for each tent, cabin or other principal building and 3,000 square feet per person accommodated.”
XIII.A	Change the definition for “Concentrated animal feeding operation (CAFO)” to “Confined animal feeding operation (CAFO).”
XIII.A	Add a new clause at the end of the sentence in the definition of DESIGN STANDARDS as follows: “ and other design standards adopted by the Town Board.”

Section	Proposed Modification
XIII.A	Reword the first sentence in the definition for “DEVELOPMENT.” on page XIII.8 as follows: “Any activity other than conservation, agriculture conducted in a manner consistent with “Sound Agricultural Practices” as defined by the New York State Department of Agriculture and Markets, or forestry conducted in a manner consistent with the “Timber Harvesting Guidelines” and “Best Management Practices” as defined by the New York State Department of Environmental Conservation, which materially affects the existing condition of land or improvements, including but not limited to:”. Subsections “1” through “5” remain unchanged. Add a new subsection “6” as follows: “Commencement or change in type or intensity of any noise, light, smoke or other emission, in contravention of the general performance standards stated in Article, V, Section A of this Zoning Law.”
XIII.A	Revise the definition for “FAST FOOD ESTABLISHMENT” by deleting subsection 8 from the definition.
XIII.A	Revise the first sentence in the definition for “FLOOR AREA, GROSS.” as follows: “The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.”
XIII.A	Revise the definition for “NATURAL RESOURCE INVENTORY” as follows: “ A compilation of information about the Town’s natural resources, including open space preservation and protection priorities, in mapped form within the Town <i>Comprehensive Plan</i> , available at Town Hall and in electronic form on the Town of Rhinebeck’s web site, accessible to residents, businesses visitors and interested observers. The NRI provides general reference information that is useful for planning and conservation of such resources in accordance with Article 12-F, Sections 239-x and 239-y of the New York State General Municipal Law. The NRI is subject to periodic updating and refining as new information becomes available.”
XIII.A	Revise the definition for “PUMP STATION, GAS” by deleting the clause: “consisting of a maximum of eight nozzles” from the definition.
XIII.A	Change the title of the definition from “SENIOR CITIZEN OR ELDERLY HOUSING” to “ACTIVE SENIOR HOUSING”. Delete the phrase at the end of the sentence “in accordance with the eligibility requirements stated in Section 202 of the Housing and Community Development Act of 1974, as amended.”
XIII.C	Replace the entire subsection “C” with “Reserved”.
XIII.G	Add the following new definition for “Backlit” signs: “BACKLIT SIGN. Wall signs or monument signs that are externally lighted by use of a low level of light shining out from behind solid lettering, creating a soft glow around the outside of the letters.”
XIII.G	Add the following after the last sentence in the definition of “Internally Illuminated Sign”: Internally illuminated signs shall not include backlit signs as defined herein.”

Section	Proposed Modification
XIV	The Fee Reimbursement Article of the Zoning Law has been substantially rewritten. Readers are advised to consult the July 2008 version together with the June 2009 version to obtain a complete understanding of the changes made.

Attachment C

7) Adaptive reuse.

- a) The Town of Rhinebeck is home to the Hudson River National Historic Landmark District, the most prestigious designation of historic resources in the nation. Its significance, in part, relates to the District's importance in American History and its significance as a landscape that inspired the Hudson River School of Painting, where "America's love of its landscape was born." The Town has also been recognized with New York State's Mid-Hudson Historic Shorelands Scenic District designation, the Estates District Scenic Area of Statewide Significance, contains State Scenic Byways and a Coastal Zone area and is within the area designated by the federal government as an American Heritage River. It is also within the Hudson River Valley National Heritage Area and the state's Hudson River Valley Greenway. To protect and preserve such prestigious designations, the Town of Rhinebeck encourages the adaptive re-use of existing historic buildings, that will preserve and enhance their architectural or historic integrity and the district in which it is located, by broadening the permitted uses allowed and by relaxing the dimensional standards governing those permitted uses, where applicable. The Adaptive Reuse provisions of this subsection apply only to designated Historic Buildings and not to historic sites lacking a designated Historic Building. Designated Historic Buildings are those buildings that have been designated by the Federal and/or State governments as contributing historic structures listed on the National and/or State Registers of Historic Places, the Hudson River National Historic Landmark District, or by local designation by the Town Board of the Town of Rhinebeck.
- b) The Planning Board may grant a Special Use Permit, in accordance with Article VI of the Zoning Law, to authorize actions that would otherwise not comply with the provisions of this Zoning Law and that would allow the renovation, repair, and adaptive reuse of designated Historic Buildings. The granting of a Special Use Permit also requires compliance with the Site Plan Review requirements outlined in Article VII of the Zoning Law. The Planning Board may grant relief from specific sections of the Zoning Law, as outlined below, without the necessity of an area or use variance from the Town Zoning Board of Appeals:
 - i) In order to permit conversions of designated Historic Buildings, the Planning Board may grant a Special Use Permit to modify the standards in the District Schedule of Area and Bulk Regulations, with regards to maximum density, minimum lot frontage, maximum coverage, minimum lot width, and front, side and rear yard setbacks to allow residential uses in a designated Historic Building or in a proposed addition to a designated Historic Building, when it can be demonstrated that the modification is necessary to preserve the building. In addition to compliance with the General Standards for a Special Use Permit, the applicant shall demonstrate that, if the conversion were to cease in the future, the architectural integrity of the designated Historic Building would be unimpaired.
 - ii) The Planning Board may grant a Special Use Permit for conversions within designated Historic Buildings, in all residential zoning districts, to allow business and professional offices, an artisans shop and gallery, and an antiques shop, as such uses are defined in Article XIII of the Zoning Law, when it can be demonstrated that the conversion is necessary to preserve the building. In addition to compliance with the General Standards for a Special Use Permit, the applicant shall demonstrate that, if the conversion were to cease in the future, the architectural integrity of the designated Historic Building would be unimpaired. Nothing herein shall prevent a residential use from continuing within the designated Historic Building, when a Special Use Permit has been granted for conversion to allow business and professional offices, an artisans shop and gallery, or an antiques shop.
- c) Dimensional and Density Requirements. The Planning Board may grant relief to the dimensional requirements listed under Article V, Section BB(7)(b)(i) without the approval of the Zoning Board of Appeals. In reviewing the application for an Adaptive Reuse Special Use Permit, the Planning Board shall consider the following in making its determination:

- i) Density: In determining the total number of proposed residential dwelling units, the Planning Board shall take into consideration traffic circulation, parking requirements and location, impact on the integrity of the designated Historic Building and the property, and the overall impacts to the general character of the district and neighborhood. In particular, the Planning Board will evaluate the aesthetic impacts to the designated Historic Building and the property from the proposed renovations, alterations, extensions or additions. Up to four (4) residential dwelling units may be allowed on the lot(s) proposed for an Adaptive Reuse Special Use Permit, provided the Planning Board makes a Finding that such renovations, alterations, extensions or additions satisfy the stated objectives found in Article V, Section BB(7)(d) of the Zoning Law.
 - ii) Entrances & Parking: Dwelling unit entrances shall not be visible from a public way. Multiple entrances visible from the public way may be allowed if consistent with the architectural style of the building or structure. Secondary means of egress, especially from upper stories, shall not be visible from the public way. On-site parking should be provided in accordance with Article V, Section B of the Zoning Law. The Planning Board shall endeavor to protect historic resources and may waive some or all of the parking requirements for such purposes. If more than six (6) parking spaces are required, excess spaces shall be adequately screened or concealed in accordance with the requirements of Article V, Section B (Off-Street Parking Standards) and Article V, Section W (Landscaping standards) of this Zoning Law.
 - iii) Frontage, Lot Width and Setbacks: For all new additions to designated Historic Buildings, the Planning Board may waive the dimensional requirements (except height) of the Zoning District up to fifty percent (50%) if the project is consistent with Article V, Section U (Preservation of Natural and Cultural Features: Design Standards) of the Zoning Law;
- d) Use Requirements. The Planning Board may grant relief to the use requirements listed under Article III of the Zoning Law, without the approval of the Zoning Board of Appeals. In reviewing the application for an Adaptive Reuse Special Use Permit to allow business and professional offices, an artisans shop and gallery, and an antiques shop within a designated Historic Building, the Planning Board shall consider the extent to which the proposal meets the following objectives:
- i) Restore the exterior of the designated Historic Building whenever feasible.
 - ii) Consider the quality of original architecture and subsequent modifications, current condition and relationship of the designated Historic Building to the overall property or area when evaluating the feasibility of restoration. The Planning Board shall use *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* as a guide to restoration of such designated Historic Building.
 - iii) Restore the existing formal and informal landscaping, stone walls and entrance gates where feasible and applicable.
 - iv) Contemporary design for extensions or additions shall not be discouraged when such extensions or additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, district and neighborhood.
 - v) Site new construction to have a minimum impact on the natural environment. Unique natural areas and open spaces such as streams, ponds, wetlands, steeply sloped areas, woodlands, and other sensitive environments shall be preserved to the greatest extent practicable. Where preservation is not practicable, appropriate mitigation measures shall be used to avoid or reduce impacts on such natural resources, as required by SEQR.
 - vi) The maximum floor area should not exceed five percent (5%) of the land included in the project proposal.
 - vii) The development shall be in harmony with the objectives of the Town *Comprehensive Plan* and the *Local Waterfront Revitalization Program*.

Attachment D

DD.Density Transfer (Transfer of Development Rights).**1. Purpose and Intent**

The Town of Rhinebeck is home to the Hudson River National Historic Landmark District, the most prestigious designation of historic resources in the nation. Its significance, in part, relates to the District's importance in American History and its significance as a landscape that inspired the Hudson River School of Painting, where "America's love of its landscape was born." The Town has also been recognized with New York State's Mid-Hudson Historic Shorelands Scenic District designation, the Estates District Scenic Area of Statewide Significance, and contains State Scenic Byways. The active agricultural lands that comprise much of the district contribute to its importance as a nationally significant landscape and toward its scenic significance. The Landmark District is within a Coastal Zone area and is within the area designated by the federal government as an American Heritage River. It is also within the Hudson River Valley National Heritage Area and the New York State Hudson River Valley Greenway. Within such areas, the Town of Rhinebeck desires to protect a critical mass of farmland, open space and important natural resources through a Density Transfer (Transfer of Development Rights or TDR) initiative.

The areas designated for Density Transfer are located in the HP20, RA10 and RL5 Zoning districts, which are sited within the aforementioned designated districts. The intent of this initiative is to allow a limited transfer of development rights from lands of conservation value within these districts to other lands suitable for receiving additional density but within the overall density standards of this Zoning Law. Allowing for a limited transfer of development rights will preserve, through Conservation Easements, important agricultural, environmental and community resources. Development rights may be transferred to and within only those parcels located in the RA10 and RL5 Zoning Districts and only where the Planning Board has made a determination that such lands are suitable for receiving additional density.

2. Procedure

- a. **Special Use Permit.** All Density Transfers shall occur pursuant to a Special Use Permit issued by the Planning Board.
- b. **Applicable Districts.** Density Transfers are permissible by Special Use Permit in the HP20, RA10 and RL5 zoning districts. Development rights may be transferred from properties within the HP20 District to properties within the RA10 and RL5 districts. Development rights may also be transferred from properties within the RA10 District to other properties within the RA10 District or transferred from properties within the RA10 District to properties within the RL5 District. No Density Transfers may occur from properties within the RA10 or RL5 districts to properties within the HP20 District or from properties within the HP20 District to other properties within the HP20 District.
- c. **Special Use Permit Application.** A Special Use Permit application for a Density

Transfer shall be jointly submitted by the owner(s) of the Sending Parcel(s) and the owner(s) of the Receiving Parcel(s).

d. **Special Use Permit Submission Requirements.**

- i. The Special Use Permit application shall be accompanied by a proposed "Development Plan" for the Receiving Parcel (*i.e.*, Subdivision Plat, and all accompanying Subdivision application documents and submissions; Site Plan and all accompanying application documents and submissions; and Special Use Permit application and all accompanying documents and submissions) including the documents required by Article VIII of the Zoning Law.
- ii. The Special Use Permit application shall include density calculations for both the Sending and Receiving Parcels computed in accordance with the requirements of Article V, Section I(6).
- iii. The application shall include a Long Form EAF and the SEQR review of the Density Transfer Special Use Permit Application shall be coordinated with the SEQR review of the "Development Plan" for the Receiving Parcel. All applications are additionally subject to the consistency requirements of the Town's Local Waterfront Revitalization Program.
- iv. The application shall include such other and further documentation or information as may be required by the Planning Board to evaluate the Density Transfer proposal including but not limited to *Greenway Connections*, the *Scenic Roads Handbook*, and *Mid-Hudson Historic Shorelands Scenic District Management Plan*.

e. **Permissible Density Transfers from Parcels Within the HP20 and RA10 Districts.**

For purposes of calculation of permissible density transfers, Sending Parcels within the HP20 district shall be permitted to calculate their density based upon a 20 acre per unit gross density. For purposes of calculation of permissible density transfers, Sending Parcels within the RA10 district shall be permitted to calculate their density based upon a 10 acre per unit gross density. However, for developmental purposes, the District Schedule of Area and Bulk Regulations, including the maximum gross density, shall be adhered to.

f. **Permissible Density Transfers for "Working Farms".** For "working farms" that constitute the Sending parcels within the HP20 or RA10 districts, TDRs shall be permitted to calculate their density at the rate of one unit per five (5) acres of gross density. The application shall include documentation for review by the Planning Board to verify the status of the "working farm" as defined herein. However, for development which occurs on "working farms" within the HP20 or RA10 districts, the density requirements set forth in the District Schedule of Area and Bulk Regulations for that district shall be adhered to.

g. **Public hearing.** Prior to approving a TDR, the Planning Board shall hold a public hearing on the Special Use Permit application in accordance with the requirements of Article VI of the Zoning Law. A public hearing may be conducted in conjunction with the review of the Development Plan.

h. **Restrictions on Receiving Parcel and Approval.**

- i. The Receiving Parcel in the RA10 District shall consist of at least 250 acres and in the RL5 District shall consist of at least 100 acres. The addition of the transfer units to the receiving parcel will not adversely affect the area surrounding the receiving parcel.
- ii. The maximum number of units allowed in a development of the Receiving Parcel, shall not exceed twenty percent (20 %) of the gross acreage of the receiving parcel multiplied by two (2), as shown in the examples below. In no case shall the number of units in a Development Plan for the receiving parcel exceed 225 dwelling units.

Sending Parcel Size in Acres	Zoning District	Gross Density to Transfer in Units (Acreage/20 or 10)	Gross Density to Transfer for Working Farms (Acreage/5)
500 acres	HP20	25	100
250 acres	RA10	25	50

Receiving Parcel Size in Acres	Zoning District	Receiving Parcel Gross Density (units)	Receiving Parcel Maximum Density (units) 20% of Gross Acreage x 2	Allowable Transfer Units
500 acres	RA10	50	200	150
250 acres	RA10	25	100	75
100 acres	RL5	20	40	20

- iii. Two (2) or more contiguous parcels may be combined to constitute the Receiving Parcel, provided that the parcels are all part of an integrated Development Plan receiving approval from the Planning Board.
- iv. The Receiving Parcel(s) must have access on a state or county highway. In cases where two (2) or more parcels are combined as the Receiving Parcel, at least one of the parcels must satisfy this access requirement.
- v. The Density Transfer shall be approved only if the Development Plan for the Receiving Parcel is approved by the Planning Board. If construction of the development project is not commenced, and/or completed in the time period prescribed by applicable provisions of this Zoning Law and other Town regulations, the Density Transfer approval shall be deemed revoked.
- vi. The Planning Board shall have the power to waive one or more of the dimensional requirements of the District Schedule of Area and Bulk Regulations of this Zoning Law applicable in the Zoning District of the Receiving Parcel in order to accommodate the additional density on the Receiving Parcel.
- vii. The Development Plan has been prepared in accordance with the Neighborhood Design Standards and Guidelines found in Article VIII of the Zoning Law.

- viii. Density bonuses may be available for affordable housing, public trails and public access to trails through the Town's Affordable Housing program. See Article V, Section CC for a description of this program.
- ix. The density bonuses that may be granted in the Town's PCN Overlay District cannot be used on receiving parcels or in combination with any Density Transfer

3. Criteria for Approval of a Density Transfer

The Planning Board shall not approve any Density Transfer unless it finds that:

- a. The requirements for the TDR Special Use Permit have been fully satisfied by the applicants.
- b. The Development Plan for the Receiving Parcel has been, or will be, approved by the Planning Board in accordance with the Conservation Subdivision requirements of Article V, Section I of the Zoning Law and will preserve a minimum 80 percent open space on the Receiving Parcel.
- c. The Density Transfer will benefit the Town by protecting potentially developable land with "Conservation Value" on the Sending Parcel.
- d. The Density Transfer to the Receiving Parcel will not result in any significant environmental impacts which have not been, or cannot be, fully mitigated to the maximum extent practicable.
- e. The Development Plan has been prepared in accordance with the standards and guidelines found in Article VIII of the Zoning Law and includes conservation of open space by conservation easement held by a local land trust on both the sending and receiving parcels.

4. Protection of Sending and Receiving Parcels by Conservation Easement.

The Planning Board shall require, as a condition of Special Use Permit approval for a Density Transfer, the record owner of the Sending Parcel(s) to record in the Dutchess County Clerk's Office a Conservation Easement held by a local land trust encumbering, in perpetuity the Sending Parcel meeting the requirements of Article V(I)(12) of this Zoning Law and reducing the maximum number of dwelling units allowed to be constructed on the Sending Parcel by the number of dwelling units transferred to the Receiving Parcel and protecting the amount of open space equivalent to that which would be required if the Sending Parcel were fully developed in accordance with the base Conservation Subdivision requirements of this Zoning Law. In the event that less than all of the available density on the Sending Parcel is transferred to the Receiving Parcel, the Conservation Easement must provide a plan for protecting, and limiting, the development of those additional parcels which satisfies the provisions of the Conservation Subdivision provisions of this Zoning Law. In accordance with Article V, Section I of the Zoning Law, protected open space areas on the receiving parcel must also satisfy the Conservation Easement provisions of this Zoning Law. The Conservation Easements shall be reviewed, and approved, by the Planning Board and by the Town Attorney or the Attorney to the Town, as the case may be prior to approval of the Density Transfer.

5. Definitions.

CONSERVATION VALUE. A property shall be deemed to have Conservation Value pursuant to this section of the Zoning Law if it contains such features as scenic views, open fields, woodlands, wetlands or streams, ponds, areas of natural character and beauty, environmentally constrained and/or environmentally significant areas, agricultural uses or agricultural lands, including prime and important agricultural soils, such that the property would qualify for the establishment of a Conservation Easement consistent with the provisions of Article 49, Title 3 of the Environmental Conservation Law of the State of New York.

DEVELOPMENT RIGHTS. The rights allocated to a lot, parcel or area of land under the Zoning Law respecting permissible density allowed thereon. The rights to develop are expressed as the maximum number of dwelling units per acre for residential parcels that could be permitted on a designated Sending Parcel under the Town of Rhinebeck's Zoning Law and Subdivision Regulations in effect on the date of the transfer of development rights.

RECEIVING PARCEL. One, or more, contiguous parcels to which development rights are transferred from a Sending Parcel.

SENDING PARCEL. One, or more, contiguous parcels from which development rights are transferred to a Receiving Parcel.

WORKING FARMS. For purposes of this section, a farm shall be deemed to be a "working farm" if, at the time of the application for the TDR, the farm is owner operated (not leased); qualifies for an agricultural tax exemption under the New York State Agricultural and Markets Law and Real Property Tax Law; and the owners and operators of the property generate more than fifty (50%) percent of their annual gross income from the operation of the farm.